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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 MICHAEL RICHARD LYNCH AND
STEPHEN KEITH CHAMBERLAIN

15 Defendants.
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CASE NO. 3:18-cr-00577-CRB

**EX PARTE APPLICATION TO
CLARIFY CONDITIONS OF BOND
FOR DEFENDANT STEPHEN
CHAMBERLAIN**

Assigned to Hon. Charles R. Breyer

Hearing:

Date: September 25, 2019

Time: 1:30 p.m.

Courtroom 6. 17th Floor

1 Mr. Chamberlain, a citizen of the United Kingdom, has voluntarily waived
2 extradition and appeared before this Court. The Court, with the consent of the
3 government, set conditions of pre-trial release which allow Mr. Chamberlain to
4 travel to any country which has an extradition treaty with the United States. Mr.
5 Chamberlain has abided by all conditions of pre-trial release imposed by this Court.
6 However, travel to the United States has been difficult if not impossible for Mr.
7 Chamberlain due to the restrictions apparently imposed by immigration authorities.

8 On each of the several occasion when Mr. Chamberlain has attempted to
9 travel to the United States over the past months, Mr. Chamberlain has been required
10 to give several weeks advance notice to the government, including his exact
11 itinerary, plane and hotel information, and reason for travel, so as to receive
12 authorization to enter the United States.

13 On the occasions where Mr. Chamberlain was traveling for court appearances
14 or consultation with counsel, it has been virtually impossible in the lead-up to such
15 travel for either Mr. Chamberlain or his counsel to obtain updates or information on
16 the status of his authorizations. In each instance, despite having provided travel
17 information several weeks prior, he has only received authorization from United
18 States Immigration and Customs Enforcement at the very last minute – usually the
19 day before he is to fly – to enter the United States. These last-minute authorizations
20 require Mr. Chamberlain to travel (without advance notice) from his home in
21 Cambridge to the United States embassy in London in order to retrieve the
22 necessary documents.

23 On the occasions where Mr. Chamberlain was traveling to the United States
24 for business, he has been denied authorization to enter the United States by
25 Immigration and Customs Enforcement.

26 The Assistant United States Attorneys assigned to this matter, and the FBI
27 special agent investigating this matter, have been unsuccessful in their efforts to
28 obtain advance authorization for Mr. Chamberlain in the case of travel for court

1 appearances or consultation with counsel, and unsuccessful in their efforts to obtain
2 authorization for Mr. Chamberlain in the case of travel for business.

3 Title 18, United States Code, section 3142(c)(1)(B) requires that conditions of
4 bail be the “least restrictive” that will reasonably assure Mr. Chamberlain’s
5 appearance. There is a significant public benefit in helping to accomplish this
6 statutory requirement by ensuring that the conditions of bail are not harsher than the
7 statute requires. Permitting travel to the United States for business for a defendant
8 otherwise allowed to travel is consistent with setting conditions of bail in the “least
9 restrictive” manner. Indeed, it actually advances the government’s interest in
10 assuring a defendant’s appearance.

11 Mr. Chamberlain respectfully submits that the Court’s intent in ordering
12 pretrial release and the imposed bond conditions was that Mr. Chamberlain be able
13 to travel freely between the United States and the United Kingdom so long as he
14 complies with all other terms of his pre-trial release.

15 THEREFORE, Mr. Chamberlain now applies to the Court for an Order
16 clarifying the conditions of his pretrial release, and specifically clarifying that Mr.
17 Chamberlain is allowed to travel to the United States in connection with both the
18 above-referenced court case as well as for business reasons, and ordering that all
19 relevant federal agencies expeditiously provide any and all approvals necessary for
20 Mr. Chamberlain to travel to the United States and back to the United Kingdom
21 upon request made by Mr. Chamberlain or his counsel with at least three weeks’
22 notice.

23 Counsel for the government has indicated that it opposes this application and
24 will file a brief in response.

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1 DATED: September 3, 2019

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5 By: 

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7 Attorneys for Defendant Stephen Keith
8 Chamberlain
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